

Application No. 10/781,877

IN THE DRAWINGS:

Please amend Figs. 1 and 2 as illustrated in red on the attached photocopies.

REMARKS

Claim Rejections

Claims 1 and 7 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-6 are rejected under 35 U.S.C. § 102(d) as being anticipated by Yamashiro et al. (4,428,040). Claims 7-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashiro et al in view of the applicants admitted prior art (Fig. 2).

Drawings

Applicant proposes to amend Figures 1 and 2, as illustrated in red on the attached photocopies. In Figures 1 and 2 it is proposed to add the label --Prior Art--. No "new matter" has been added to the original disclosure by the proposed amendments to these figures. It is believed the foregoing proposed amendments obviate the outstanding objections to the drawings. Approval of the proposed drawing changes is respectfully requested.

New Claims

By this Amendment, Applicant has canceled claims 1-13 and has added new claims 14-26 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims 14-19 are directed toward a circuit providing a stable timing clock comprising: an antenna (30) inducing an AC voltage; an AC/DC rectifier (31) electrically connected to the antenna; a filter (32) electrically connected to the AC/DC rectifier; a voltage limiter (33) electrically connected to the filter, the AC/DC rectifier, the filter and the voltage limiter converting the AC voltage into a first DC voltage; a step-down clamping circuit (34) electrically connected to the voltage limiter and converting the first DC voltage into a second DC voltage; an oscillating circuit (35) electrically connected to the step-down clamping circuit and utilizing the second DC voltage as an operating voltage, the oscillating circuit generating a first timing clock signal having a voltage potential lower than a voltage potential of the

second DC voltage; and a voltage potential-converting circuit (36) electrically connected to the oscillating circuit and converting the first timing clock signal into a second timing clock signal having a voltage potential higher than a voltage potential of the first timing clock signal, wherein the second timing clock signal is produced from the AC voltage induced by the antenna.

Other embodiments of the present invention include: the first DC voltage having rippling wave and voltage potential having variations larger than the second DC voltage; the second DC voltage is a preferred DC voltage; the second DC voltage is smaller than the first DC voltage; the step-down clamping circuit includes a resistance, a capacitance, and a clamping circuit; and the clamping circuit includes a P-type metal oxide semiconductor and a N-type metal oxide semiconductor.

The new claims 20-26 are directed toward a circuit providing a stable timing clock comprising: an antenna (30) inducing an AC voltage; a rectifying circuit (31, 32, 33) electrically connected to the antenna and converting the AC voltage into a first DC voltage; a step-down clamping circuit (34) electrically connected to the voltage limiter and converting the first DC voltage into a second DC voltage; an oscillating circuit (35) electrically connected to the step-down clamping circuit and utilizing the second DC voltage as an operating voltage and generating a first timing clock signal having a voltage potential lower than a voltage potential of the second DC voltage; and a voltage potential-converting circuit (36) electrically connected to the oscillating circuit and converting the first timing clock signal into a second timing clock signal having a voltage potential higher than a voltage potential of the first timing clock signal, wherein the second timing clock signal is produced from the AC voltage induced by the antenna.

Other embodiments of the present invention include: the rectifying circuit having a AC/DC rectifier, a filter, and a voltage limiter; the first DC voltage having rippling wave and voltage potential having variations larger than the second DC voltage; the second DC voltage is a preferred DC voltage; the second DC voltage is smaller than the first DC voltage; the step-down clamping circuit includes a resistance, a capacitance, and a clamping circuit; and the clamping circuit includes a P-type metal oxide semiconductor and a N-type metal oxide semiconductor.

The primary reference to Yamashiro et al. teaches a low power consumption electronic circuit having a lithium battery (V_{ss}) providing a stable power source, a step down circuit (1), a voltage regulator (2), and oscillator (3) supplying clock pulses (ϕ_1' to ϕ_3').

Regarding claims 14-19, Yamashiro et al. does not teach an antenna inducing an AC voltage; an AC/DC rectifier electrically connected to the antenna; a filter electrically connected to the AC/DC rectifier; a voltage limiter electrically connected to the filter, the AC/DC rectifier, the filter and the voltage limiter converting the AC voltage into a first DC voltage; nor does Yamashiro et al. teach the second timing clock signal is produced from the AC voltage induced by the antenna.

Regarding claims 20-26, Yamashiro et al. does not teach an antenna inducing an AC voltage; a rectifying circuit electrically connected to the antenna and converting the AC voltage into a first DC voltage; nor does Yamashiro et al. teach the second timing clock signal is produced from the AC voltage induced by the antenna.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Yamashiro et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Yamashiro et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

The secondary reference to Applicant's Admitted prior art teaches a rectifier (22), a filter (23), a voltage limiter (24), and an oscillating circuit (25) oscillating a timing clock signal.

Applicant's Admitted prior art does not teach a step-down clamping circuit electrically connected to the voltage limiter and converting the first DC voltage into a second DC voltage; a voltage potential-converting circuit electrically connected to the oscillating circuit and converting the first timing clock signal into a second timing clock signal having a voltage potential higher than a voltage potential of the first timing clock; nor does Applicant's Admitted prior art teach the second timing clock signal is produced from the AC voltage induced by the antenna.

Even if the teachings of Yamashiro et al. and Applicant's Admitted prior art were combined, as suggested by the Examiner, the resultant combination does not suggest: the second timing clock signal is produced from the AC voltage induced by the antenna.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a

guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Yamashiro et al. or Applicant's Admitted prior art that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Yamashiro et al. nor Applicant's Admitted prior art disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

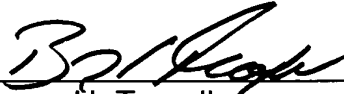
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: July 22, 2005

By:



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